

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0128/P1dn
MDK:kjf:wnw

October 18, 2007

Sen. Vinehout:

This preliminary draft is based on the proposal that you submitted, which itself is based on Illinois law. The draft contains NOTES that either explain how the draft is different than the proposal, or include questions about the proposal.

In addition to the NOTES, please note the following about this draft:

1. Regarding use of public rights-of-way, I removed the proposal's provisions and instead amended s. 182.017 (1) to ensure that cable operators and video service franchisees are both subject to reasonable regulation by a municipality. Note also that s. 66.0420 (3) (a) refers to a municipality's authority of public rights-of-way. In addition, s. 66.0420 (4) (c) 6. requires an applicant for a video service franchise to provide adequate assurance that it can repair damage to public rights-of-way.
2. Except for those other statutes addressed in the draft, I have not yet determined whether changes to other statutes are necessary. For example, ch. 196 must be revised to ensure that any payment under s. 66.0420 (9) (c) 5. that is deposited in the universal service fund is used only for any purposes that you want to specify. Also, I need to determine whether there are requirements under Wisconsin law that are similar to s. 21-1201 of the Illinois law, which prohibits interference with multiple-unit dwellings.
3. Do you want to delay the effective date of the substitute amendment?
4. The severability provision (i.e., s. 16 of the proposal) is not necessary because s. 990.001 (11), stats., allows for severability.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov